

not be underestimated and cannot be ignored.

Class size should be at the forefront of the education agenda because there is a great national purpose in helping local schools reduce class size for children in the earliest grades. I would like to state Mr. President my strong belief that education should remain solidly a state and local function. However, I believe the federal government can have a constructive role supporting local efforts. Kennedy/Murray class size proposal is a perfect example.

Finally, Mr. President, I urge my colleagues to reach across the aisle to ensure that education is a top priority in the 106th Congress. I look forward to working in a bipartisan manner to reach consensus on these important issues to ensure that our children receive the highest quality education possible.

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**REPORT OF THE 1998 TRADE POLICY AGENDA AND 1997 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 13**

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

*To the Congress of the United States:*

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1999 Trade Policy Agenda and the 1998 Annual Report on the Trade Agreements Program. This report includes the Annual Report on the World Trade Organization, as required by section 124 of the Uruguay Round Agreements Act (19 U.S.C. 3534).

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 9, 1999.

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**REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 14**

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

*To the Congress of the United States:*

It is my pleasure to transmit herewith the Annual Report of the National Endowment for the Arts for Fiscal Year 1997.

The Arts Endowment awards more than one thousand grants each year to nonprofit arts organizations for projects that bring the arts to millions of Americans. Once again, this year's grants reflect the diversity of our Nation's culture and the creativity of our

artists. Whether seeing a classic theatrical production in Connecticut or an art exhibition in Arizona, whether listening to a symphony in Iowa or participating in a fine arts training program for inner-city students in Louisiana, Americans who benefit from Arts Endowment grants have experienced the power and joy of the arts in their lives.

Arts Endowment grants in 1997 supported:

- projects in theater, dance, music, visual arts, and the other artistic disciplines, demonstrating that our diversity is an asset—and helping us to interpret the past, understand each other in the present, and envision the future;
- folk and traditional arts programs, which strengthen and showcase our rich cultural heritage; and
- arts education, which helps improve our children's skills and enhances their lives with the richness of the arts.

The arts challenge our imaginations, nourish our spirits, and help to sustain our democracy. We are a Nation of creators and innovators. As this report illustrates, the NEA continues to celebrate America's artistic achievements and makes the arts more accessible to the American people.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 9, 1999.

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**MEASURES PLACED ON THE CALENDAR**

The following bill and joint resolution were read the second time and placed on the calendar:

S. 564. A bill to reduce class size, and for other purposes.

S.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States to protect Social Security.

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**EXECUTIVE AND OTHER COMMUNICATIONS**

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2103. A communication from the Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Authorization for Continued Manufacture of Certain MC-331 Cargo Tanks with Specified Shortages" (RIN2137-AD31) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2104. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea" (I.D. 022699B) received on March 2, 1999; to the

Committee on Commerce, Science, and Transportation.

EC-2105. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. 022699C) received on March 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2106. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands" (I.D. 022699A) received on March 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2107. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Light Vehicle Brake Systems" (RIN2127-AH55) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2108. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Burnet, TX" (Docket 98-ASW-48) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2109. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Austin, TX" (Docket 98-ASW-49) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2110. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; San Angelo, TX" (Docket 98-ASW-52) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2111. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Austin, Horseshoe Bay, TX and Revocation of Class E Airspace, Marble Falls, TX" (Docket 98-ASW-51) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2112. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Taylor, TX" (Docket 98-ASW-50) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2113. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Roswell, NM" (Docket 98-ASW-53) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2114. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ada, NM" (Docket 98-AGL-63) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2115. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes" (Docket 98-NM-118-AD) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2116. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BMW Rolls-Royce GmbH Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines" (Docket 98-ANE-74-AD) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2117. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Air Clearance Restrictions at the Entrance to Lakeside Yacht Club and the Northeast Approach to Burke Lakefront Airport in Cleveland Harbor, OH" (Docket 09-97-002) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2118. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Lower Grand River, LA" (Docket 08-99-008) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2119. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations: Greenwood Lake Powerboat Classic, Greenwood Lake, New Jersey" (Docket 01-98-125) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2120. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Sunken Fishing Vessel Cape Fear, Buzzards Bay Entrance" (Docket 01-99-008) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2121. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Scharfman Batmitzvah Fireworks, East River, Newton Creek, New York" (Docket 01-99-004) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2122. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; River Rouge (Short Cut Canal), Michigan" (Docket 09-98-055) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2123. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company, Inc.

AE2100A, AE2100C, and AE2100D3 Series Turbofan Engines, Correction" (Docket 98-ANE-83) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2124. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company, Inc. AE3007A and AE3007A1/1 Turbofan Engines, Correction" (Docket 98-ANE-14) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2125. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Models 3101 and 3201 Airplanes" (Docket 98-CE-76-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2126. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Series Airplanes" (Docket 98-NM-148-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2127. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes" (Docket 97-NM-316-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2128. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300-600 Series Airplanes" (Docket 98-NM-301-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2129. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Series Airplanes" (Docket 98-NM-320-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2130. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes" (Docket 97-NM-236-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2131. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes" (Docket 98-NM-317-AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2132. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; El Dorado, KS" (Docket 99-ACE-5) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2133. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the re-

port of a rule entitled "Amendment to Class E Airspace; Dubuque, IA" (Docket 98-ACE-58) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2134. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fort Madison, IA" (Docket 98-ACE-57) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2135. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Kirksville, MO" (Docket 98-ACE-57) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2136. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Springfield, MO" (Docket 99-ACE-8) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2137. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Newton, KS" (Docket 99-ACE-3) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2138. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Perry, IA" (Docket 98-ACE-52) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2139. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Boonville, MO" (Docket 99-ACE-6) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2140. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Selinsgrove, PA" (Docket 98-ACE-45) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2141. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Leadville, CO" (Docket 98-ANM-08) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2142. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Rockland, ME" (Docket 98-ANE-95) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2143. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" (Docket 29467) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 567. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THOMAS:

S. 568. A bill to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. GRAMS):

S. 569. A bill to amend the internal revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

By Mr. HELMS:

S. 570. A bill to amend chapter 3 of title 28, United States Code, to eliminate 2 vacant judgeships on the Fourth Circuit Court of Appeals, and for other purposes; to the Committee on the Judiciary.

S. 571. A bill to amend chapter 5 of title 28, United States Code, to eliminate a vacant judgeship in the eastern district and establish a new judgeship in the western district of North Carolina, and for other purposes; to the Committee on the Judiciary.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. FEINGOLD)

S. 567. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program; to the Committee on Agriculture, Nutrition, and Forestry.

#### THE DAIRY PROMOTION FAIRNESS ACT

Mr. KOHL. Mr. President, I rise today to join Senator FEINGOLD to introduce the "Dairy Promotion Fairness Act." This measure will further our nation's dairy marketing board's efforts to promote the consumption of healthy dairy products produced by family dairy farms and to fund research critical to the development of new dairy products.

This effort is needed as a matter of fairness to our nation's dairy farmers. When enacted, our legislation will require that all dairy producers whose products are sold in the United States contribute to the promotional effort. Currently, domestic producers of dairy products like cheese, butter, and yogurt, all pay a promotional fee to help promote the dairy products produced in this country. Importers do not pay this fee.

I was extremely surprised to find out that dairy producers can import these

goods into the United States and not contribute to the promotional sales efforts sponsored by our domestic industry. This change will require those selling incoming products to contribute the same assessment as the domestic dairy farmers do.

This bill supports the dairy marketing board's efforts to educate consumers on the nutritional value of dairy products. It also treats our farmers fairly—by asking them not to bear the entire financial burden for a promotional program that benefits importers and domestic producers alike. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 567

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Promotion Fairness Act".

#### SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) DECLARATION OF POLICY.—Section 110(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501(b)) is amended in the first sentence—

(1) by inserting after "commercial use" the following: "and on imported dairy products"; and

(2) by striking "products produced in the United States." and inserting "products.".

(b) DEFINITIONS.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) in subsection (k), by striking "and" at the end;

(2) in subsection (l), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(m) the term 'imported dairy product' means any dairy product that is imported into the United States, including dairy products imported into the United States in the form of—

"(1) milk and cream and fresh and dried dairy products;

"(2) butter and butterfat mixtures;

"(3) cheese; and

"(4) casein and mixtures; and

"(n) the term 'importer' means a person that imports an imported dairy product into the United States.".

(c) CONTINGENT REPRESENTATION OF IMPORTERS ON BOARD.—Section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(b)) is amended—

(1) by inserting "NATIONAL DAIRY PROMOTION AND RESEARCH BOARD.—" after "(b)";

(2) by designating the first through ninth sentences as paragraphs (1) through (5) and paragraphs (7) through (10), respectively, and indenting appropriately;

(3) in paragraph (2) (as so designated), by striking "Members" and inserting "Except as provided in paragraph (6), the members"; and

(4) by inserting after paragraph (5) (as so designated) the following:

"(6) IMPORTERS.—

"(A) IN GENERAL.—If representation of importers of imported dairy products is required on the Board by another law or a treaty to which the United States is a party, the Secretary shall appoint not more than 2

members who are representatives of importers.

"(B) ADDITIONAL MEMBERS; PROCEDURES.—The members appointed under this paragraph—

"(i) shall be in addition to the members appointed under paragraph (2); and

"(ii) shall be appointed from nominations submitted by importers under such procedures as the Secretary determines to be appropriate.".

(d) IMPORTER ASSESSMENT.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended—

(1) by inserting "ASSESSMENTS.—" after "(g)";

(2) by designating the first through fifth sentences as paragraphs (1) through (5), respectively, and indenting appropriately; and

(3) by adding at the end the following:

"(6) IMPORTERS.—

"(A) IN GENERAL.—The order shall provide that each importer of imported dairy products shall pay an assessment to the Board in the manner prescribed by the order.

"(B) RATE.—The rate of assessment on imported dairy products shall be determined in the same manner as the rate of assessment per hundredweight or the equivalent of milk.

"(C) VALUE OF PRODUCTS.—For the purpose of determining the assessment on imported dairy products under subparagraph (B), the value to be placed on imported dairy products shall be established by the Secretary in a fair and equitable manner.".

(e) RECORDS.—Section 113(k) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(k)) is amended in the first sentence by striking "person receiving" and inserting "importer of imported dairy products, each person receiving".

Mr. FEINGOLD. Mr. President, I rise in strong support of legislation introduced by the senior Senator from my home State of Wisconsin. Today, Senator KOHL has introduced a measure important not only to Wisconsin's dairy farmers but to dairy farmers all over the country.

The National Dairy Promotion and Research Program collects roughly \$225 million every year from American dairy farmers, who each pay a mandatory 15 cents into the program for every 100 pounds of milk they produce. This program is designed to promote dairy products to consumers and to conduct research relating to milk processing and marketing.

While 15 cents may appear to be a small amount of money, multiplied by all the millions of pounds of milk marketed in this country, it adds up to thousands of dollars each year for the average domestic producer. Given the magnitude of this program, it is critical that Congress take seriously the concerns producers have about the way their promotion program is run. This legislation addresses one of the most important of those concerns: importers reap the same promotional benefits as their U.S. counterparts, yet they don't pay a dime into the program.

The National Dairy Promotion and Research Board conducts generic promotion and general product research. Domestic farmers and importers alike benefit from these actions. This bill,